

## **FISCAL NOTE**

TO: Chief Clerk of the Senate  
Chief Clerk of the House

FROM: James A. Davenport, Executive Director

DATE: March 6, 1995

SUBJECT: **HB 230 - SB 1297**

This bill, if enacted, will include the following provisions:

- Waive filing fees and taxes to file a petition for an order of protection.
- Increase the penalty for violating an order of protection.
- Increase the penalty for second and subsequent convictions for stalking.
- Charge persons with burglary who enter or remain concealed in a building without consent of the owner and commits an assault.

The fiscal impact from enactment of this bill is estimated to be a decrease in state and local revenues from waiver of fees and taxes for filing orders of protection. The amount of such decreased revenues cannot be reasonably determined but is estimated to exceed \$100,000. Further, it is estimated that the fiscal impact from increased incarceration and fines from violating orders of protection will depend upon the number of persons convicted of the offenses and the resultant increased cost to local governments to confine such persons versus the increased revenues to local governments from fines levied and collected under the provisions of this bill. The amounts cannot be reasonably determined but are estimated to exceed \$100,000.

Enactment of this bill is also estimated to result in an increase in state expenditures of \$772,267 for incarceration\*. This estimate is based upon 78 convictions each year for burglary to commit an assault, receiving a sentence of two years with 30% or 219 days actually being served. Also, the estimate is based upon one conviction each year for Class A stalking receiving a sentence of 15 years with 30% or 4.5 years being served and one conviction for Class B stalking receiving a sentence of 8 years with 30% or 2.4 years being served.

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James A. Davenport". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

James A. Davenport, Executive Director

*\*Section 9-6-119, TCA, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law.*